

Remarks

In view of the foregoing amendments and the following remarks, Applicants request favorable reconsideration and withdrawal of the rejections set forth in the Office Action dated September 30, 2008.

Claims 1-11, and 27 are pending, of which Claim 1 is independent. Claim 1 is amended herein. Claim 29 has been canceled. Support for the amendments can be found in the original disclosure. Therefore, no new matter has been added.

35 U.S.C. § 103(a) Rejection

Claims 1- 4, 7-11, 27, and 29 stand rejected under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No. 6,379,364 (Brace et al.) in view of U.S. Patent No. 5,676,666 (Oxland et al.). Applicants traverse this rejection.

Discussion

Independent Claim 1 is directed to a bone fixation system having a plate and a drill guide. Distal ends of the drill guide and corresponding offset projections are received in corresponding slots of the plate. When each distal end and its corresponding offset projection are received together in a slot, the offset projection contacts an end of the slot to space an adjacent edge of a hole formed through the drill guide away from that end of the slot. Furthermore, a length measured from the side of the distal end which contacts the end of the slot to an opposite side of the distal end is less than the length of the slot.

The Office Action relies on Brace et al. to teach all of the features of the invention except for a plate having slots. Specifically, Brace et al. is relied on to suggest a drill guide having a distal end with an offset projection, the distal end and projection being received together within a corresponding slot such that the offset projection contacts a first end of the slot to space a hole formed through the guide member along the slot. The Office Action relies on column 9, line 66, through column 10, line 3, of Brace et al. to suggest

these features. However, Applicants assert that the cited section of Brace et al. merely states that bushings 206,208 of a drill guide may be configured to fit within bone plate holes having shapes other than circular.

Applicants submit that such disclosure does not suggest the specific features of the offset projections recited in independent Claim 1.

Furthermore, independent Claim 1 also now recites that a length measured from the side of the distal end which contacts the end of the slot to an opposite side of the distal end is less than the length of the slot. Thus, the offset projection and distal end taken together are not as long as the corresponding slot of the plate. Applicants submit that this feature is not suggested by the statement in Brace et al. that bushings may be sized for openings other than circular. In fact, the Office Action acknowledges that Brace et al. does not even disclose a plate with slots. Consequently, it cannot suggest the claimed length relative to the slot.

Applicants also submit that Oxland et al. fails to remedy this deficiency inasmuch as that document does not teach a drill guide having the claimed offset portion and distal end received together in a slot. Thus, that document cannot suggest the length of such features relative to a slot.

Conclusion

For the foregoing reasons, Applicants respectfully submit that the present invention is patentably defined by independent Claim 1. Dependent Claims 2-11 and 27 are also patentable by virtue of their dependencies on an allowable claim, as well as for the additional features they recite. Individual consideration of the dependent claims is requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,


Justin J. Oliver
Attorney for Applicants
Registration No. 44,986

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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